

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CANDACE ERMELS, as Guardian for
W.P.B.,

Plaintiff,

v.

SHORELINE SCHOOL DISTRICT,

Defendant.

CASE NO. 2:20-00893-RAJ-BAT

**ORDER REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY
SETTLEMENT**

On August 17, 2021, the Court entered a briefing schedule (based on the filing of an administrative record). Dkt. 63. On August 23, 2021, Plaintiff filed a Motion to Correct Court Ordered Briefing Schedule. Dkt. 64. Plaintiff states that this is not an administrative appeal, but one seeking relief under Section 504 and the Americans with Disability Act. Dkt. 64. The Clerk noted Plaintiff's motion for consideration on September 10, 2021. Defendant Shoreline School District did not file a response.

Accordingly, it is **ORDERED** that Plaintiff's motion (Dkt. 64) is **GRANTED** and the Clerk is directed to **strike** the Briefing Schedule at Dkt. 63.

It is further **ORDERED** that the parties shall adhere to the following schedule for their initial disclosures and submission of the Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: **9/27/2021**

Initial Disclosures Pursuant to FRCP 26(a)(1): **10/4/2021**

Combined Joint Status Report and Discovery
Plan as Required by FRCP 26(f)
and Local Civil Rule 26(f):

10/18/2021

The deadlines above may be extended only by the Court. Any request for an extension should be made by e-mail to Andy Quach, Courtroom Deputy, at andy_quach@wawd.uscourts.gov. The parties are directed to meet and confer before contacting the court to request an extension.

If this case involves claims which are exempt from the requirements of FRCP 26(a) and 26(f), please notify Andy Quach, Courtroom Deputy, at andy_quach@wawd.uscourts.gov.

II. JOINT STATUS REPORT & DISCOVERY PLAN

All parties are directed to confer and provide the Court with a combined Joint Status Report and Discovery Plan (the "Report") by **October 18, 2021**. This conference shall be a face-to-face meeting or a telephonic conference. The Court will use the Report to determine if a Fed. R. Civ. P. 16 conference would be helpful and to set a schedule for the prompt completion of the case. The report must contain the following information by corresponding paragraph numbers:

1. A statement of the nature and complexity of the case.
2. A proposed deadline for joining additional parties.
3. A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the parties' proposals on all items set forth in Fed. R. Civ. P. 26(f)(3), including the following topics:
 - (A) initial disclosures;
 - (B) subjects, timing, and potential phasing of discovery;
 - (C) electronically stored information;
 - (D) privilege issues;
 - (E) proposed limitations on discovery; and

(F) the need for any discovery related orders.

4. The parties' views, proposals, and agreements, by corresponding paragraph letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following topics:

(A) prompt case resolution;

(B) alternative dispute resolution;

(C) related cases;

(D) discovery management;

(E) anticipated discovery sought;

(F) phasing motions;

(G) preservation of discoverable information;

(H) privilege issues;

(I) Model Protocol for Discovery of ESI; and

(J) alternatives to Model Protocol.

5. The date by which discovery can be completed.

6. Whether the case should be bifurcated by trying the liability issues before the damages issues or bifurcated in any other way.

7. Whether the pretrial statements and pretrial order called for by Local Civil Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of economy.

8. Whether the parties intend to utilize the Individualized Trial Program set forth in Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

9. Any other suggestions for shortening or simplifying the case.

1 10. The date the case will be ready for trial. The Court expects that most civil cases
2 will be ready for trial within a year after filing the Joint Status Report and Discovery Plan.

3 11. Whether the trial will be jury or non-jury.

4 12. The number of trial days required.

5 13. The names, addresses, and telephone numbers of all trial counsel.

6 14. The dates on which trial counsel may have complications to be considered in
7 setting a trial date.

8 15. If, on the due date of the Report, all defendant(s) or respondent(s) have not been
9 served, counsel for the plaintiff shall advise the Court when service will be effected, why it was
10 not made earlier, and shall provide a proposed schedule for the required FRCP 26(f) conference
11 and FRCP 26(a) initial disclosures.

12 16. Whether any party wishes a scheduling conference before the Court enters a
13 scheduling order in the case.

14 17. List the date(s) that each and every nongovernmental corporate party filed its
15 disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.1.

16 If the parties are unable to agree on any part of the Report, they may answer in separate
17 paragraphs. No separate reports are to be filed. If the parties wish to have a status conference
18 with the Court at any time during the pendency of this action, they should notify Andy Quach,
19 Courtroom Deputy, at andy_quach@wawd.uscourts.gov.

20 **III. PLAINTIFF'S RESPONSIBILITY**

21 Plaintiff's counsel (or plaintiff, if pro se) will be responsible for starting the
22 communications with defendant's counsel needed to comply with this Order.
23

IV. JUDGE SPECIFIC PROCEDURAL INFORMATION

All counsel and unrepresented parties should review Judge Tsuchida's web page for procedural information applicable to cases before Judge Tsuchida. The judge's web pages, in addition to the Local Rules, Electronic Filing Procedures for Civil and Criminal Cases, court forms, instruction sheets, and General Orders, can be found on the Court's website at wawd.uscourts.gov.

V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION

If settlement is achieved, counsel shall immediately notify Andy Quach, Courtroom Deputy, at andy_quach@wawd.uscourts.gov.

The parties are responsible for complying with the terms of this Order. The Court may impose sanctions on any party who fails to comply fully with this Order.

DATED this 13th day of September, 2021.



BRIAN A. TSUCHIDA
United States Magistrate Judge